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 Attorney for Defendant, Sunflower Bank

7 **UNITED STATES DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 Eugene McAteer,	)	Case No: 2:20-cv-02285-APG-EJY
10 Plaintiff,	)	<b><u>STIPULATION AND ORDER TO</u></b>
11 vs.	)	<b><u>EXTEND TIME TO COMPLETE</u></b>
12 Sunflower Bank, N.A. and DOES 1-10	)	<b><u>THE 30(b)(6) DEPOSITION OF</u></b>
13 and ROES 1-10, inclusively	)	<b><u>LAURA FRAZIER AND EXTEND</u></b>
14 Defendants.	)	<b><u>OTHER DEADLINES</u></b>
15 _____	)	<b>(Third Request)<sup>1</sup></b>

16 IT IS HEREBY STIPULATED AND AGREED between the parties that the  
 17 deadline to complete Laura Frazier's 30(b)(6) deposition be extended to November 20,  
 18 2023, that the dispositive motion deadline be extended to December 20, 2023, and the  
 19 Joint Pretrial Order deadline be extended to January 19, 2024.  
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21 **I. ADDITIONAL DISCOVERY ALLOWED BY THE COURT**

22 On May 15, 2023, the Court ordered that Plaintiff be allowed to complete a  
 23 forensic examination of SUNFLOWER's emails and that Plaintiff be allowed to take  
 24 the 30(b)(6) deposition of Laura Frazier.

25 **II. THE PARTIES' PROGRESS**

26 Plaintiff identified a forensic examination expert. However, in an effort to

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27 <sup>1</sup> This is the third request to extend the Rule 30(b)(6) deadlines contained in the Court's July 12, 2023  
 28 Order (ECF No. 63). There have been prior extensions of the dispositive motion and pretrial order  
 deadlines.

1 reduce costs for both parties, Defendant Sunflower conducted an additional email  
2 search using search terms provided by Plaintiff, which resulted in the production to  
3 Defendant's counsel of over 15,000 documents. Defendant produced the documents it  
4 considered responsive to Plaintiff and gave the Plaintiff the opportunity to review  
5 documents which were not formally produced, which Plaintiff did. Thereafter, Plaintiff  
6 decided not to proceed with a forensic examination.

7 **III. REASONS WHY PARTIES REQUEST AN EXTENSION**

8 Ms. Frazier's deposition has been scheduled for October 4, 2023. On the  
9 afternoon of Friday September 29, 2023, Plaintiff identified 225 pages of documents  
10 from the email search that it intended to question Ms. Frazier about and added this as a  
11 Rule 30(b)(6) topic. To give Ms. Frazier and defense counsel more time to review the  
12 documents and otherwise prepare, the parties have agreed to continue the deposition.  
13 Unfortunately, Ms. Frazier, an EVP with Sunflower, will soon be heavily involved in  
14 strategic planning and board meetings and will not be available for a deposition until the  
15 week of November 13. Ms. Frazier has identified November 13-16, 2023 as potential  
16 deposition dates. The foregoing constitutes good cause for purposes of LR26-3.

17 **IV. PROPOSED EXTENDED DEADLINES**

18 The parties respectfully request this Court enter an order as follows:

19 **(A) 30(b)(6) Deposition Deadline.**

20 The current deadline to take the 30(b)(6) deposition of Ms. Laura Frazier should  
21 be extended up to and including, **November 20, 2023**.

22 **(C) Dispositive Motion Deadline.**

23 Should the above extensions be granted, the dispositive motion deadline would  
24 be extended **December 20, 2023**.

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**(D) Pretrial Order.**

Should the above extensions be granted, the deadline for the Parties to file the  
**2024**  
pretrial order, would be extended to **January 19, 2023**, or 30 days after a decision on a  
dispositive motion.

## **IT IS SO STIPULATED AND AGREED.**

## LAGOMARSINO LAW

## FISHER & PHILLIPS LLP

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## IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

Dated: October 2, 2023